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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,436	01/18/2002	Steven Spicer	T8466295US	4258
26912 7590 03/16/2007 GOWLING LAFLEUR HENDERSON LLP SUITE 1600, 1 FIRST CANADIAN PLACE 100 KING STREET WEST TORONTO, ON M5X 1G5 CANADA			EXAMINER GEREZGIHER, YEMANE M	
			ART UNIT 2144	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/926,436

Applicant(s)

SPICER ET AL.

Examiner

Yemane M. Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Response filed on 12/14/2006 has been entered. Claims 1-8, 10-14 and 16-19 remain pending in this application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thornton*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8, 10-14 and 16-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9-12, 14-22, and 24-30 of copending Application No. 11303015. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference is elimination or omission of the undesired limitation, which would have been obvious to one of ordinary skill in the art at the time the invention was made to omit such undesired

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feature since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involving only routine skill in the art. *In re Karlson*, 136 USPQ 184. The claimed limitations are a subset of the already claimed invention in the copending application.

This instant application

Claim 1. A secure network resource access system for facilitating network access by network terminals to network printer located behind an enterprise firewall, the secure network resource access system comprising:

a proxy server located logically outside a firewall for receiving printing data from a data source located outside the firewall, the proxy server having a queue for storing the received data, the printing data being associated with the network printer; and

a polling server located logically behind the firewall, the polling server being configured for polling the proxy server to pull the received printing data across the firewall from the queue of the proxy server to the polling server

Copending application 11303015

Claim 1: A print control system for facilitating communication of a data package via a polling server between a network terminal and a network printing device over a network, the data package configured for authorized data processing by the network printing device, the print control system comprising:

a resource registry including resource records associated with the network printing device, the resource records defining at least a user access level for each said network printing device;

a polling server configured for obtaining the data package from a proxy server across a firewall in response to a poll request to the proxy server, the data package including print data for processing by the network printing device, an authorization password associated with the network printing device and the print data, and a destination address for directing the data package over the network, the polling server further including an input interface for receiving the data package, an extraction module for extracting the destination address from the data package, and an output interface for communicating at least the print data and the authorization password to the destination address such that the authorization password is configured for controlling access to the print data by the printing device; and

an administration server in communication with the resource registry for providing controlled access to the resource records.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges (U.S. Patent Number 6,324,648) in view of Nelson (U.S. Patent Number 6,553,422)

As per claim 1, a proxy server located logically outside a firewall from a data source located outside the firewall, the proxy server having a queue for storing the received data, the printing data being associated with the network printer; [See abstract, Figure 1, Column 5 Lines 58-67: Grantges disclosed a proxy server logically located outside a firewall of an enterprise network] and a polling server located logically behind the firewall, the polling server being configured for polling the proxy server to

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pull the received printing data across the firewall from the queue of the proxy server to the polling server. [See Figure 1: Grantges disclosed an application gateway having therein a proxy server for receiving request messages originated from a client terminal in a public network and an enterprise server logically located behind the firewall of the enterprise network].

Grantges substantially disclosed the invention as claimed. However, Grantges failed to teach a polling server located logically behind the firewall, the polling server being configured for polling the proxy server to pull the received printing data across the firewall from the queue of the proxy server to the polling server.

However, as evidenced by the teachings of Nelson disclosed a polling server located logically behind the firewall [Nelson, Abstract, and Column 1, Line 62 through Column 2, Line 25] the polling server being configured for polling the proxy server to pull the received printing data across the firewall from the queue of the proxy server to the polling server [Nelson, Column 2, Lines 4-38, Column 1, Lines 16-18, and Column 2, Lines 1-26]. Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Nelson related to a polling server located logically behind the firewall, the polling server being configured for polling the proxy server across the firewall and have

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modified the teachings of Grantges related to access control of network resources in order to better facilitate security and “to access a local computer system across the Internet, where a firewall is operatively interposed between the Internet and the local computer system” Nelson Column 2, Lines 45-52.

As per claim 3, this claim has substantially the same scope functional limitations as recited in claim 1 above, and it is rejected with the same rationale.

As per claims 2 and 4, Grantges disclosed “alias” (URL) identifying the application server resource and further the application including “alias” (additional identifier of a specific function such as “/billing” implying an application involving billing information and where the “polling server” (application gateway having therein a proxy server for polling request messages) and directing the received application request to the appropriate resource accordingly. See Column 7 Lines 1-8, Column 10 and Lines 32-54).

As per claim 5, Grantges disclosed a step of directing the received data to the network resource in accordance with the associated alias name. [See Fig. 1: Grantges disclosed an application gateway having therein a proxy server for polling request messages originated from a client terminal in a public network and an enterprise server logically

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located behind the firewall of the enterprise network directing the request data to the appropriate network resource].

As per claims 6 and 12, Grantges disclosed an enterprise server for obtaining the received data from the polling server and for distributing the received data to the network resource [Fig.1, an application gateway distributing the requested network resource applications].

As per claims 7 and 13, wherein the alias name uniquely identifies a physical network location of the network resource and is associated with a physical property of the network resource. [These claims have similar limitation as the already rejected claim 2 above and are rejected with the same rationale. Furthermore, Grantges disclosed a URL (alias name), which is usually interchangeable or associated with an IP address that is statically or permanently assigned to a server (network resource), where the network resource is physically located some where on the network. See Column 7 Lines 1-8, Column 10 and Lines 32-54].

As per claims 8 and 14, wherein the data source is a network terminal configured for communication with the network resource. [See Fig. 1, network terminal having therein a web browser configured to communicate with the network resource in the network].

As per claims 10 and 16, Nelson disclosed that the received printing data is selected from the group comprising: text; image; and multimedia data [Nelson, Column 1, Lines 15-17, network devices

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including printers, where printers obviously is configured to process at least of the data formats].

As per claims 11 and 17, Nelson disclosed that the received printing data was in a format suitable for processing by the network printer [Nelson, Column 1, Lines 15-17, and Column 3, Lines 10-26, a peripheral device such as a printer performing (printing) behind a firewall].

As per claim 18, wherein the system facilitates access to a plurality of network resources. [See Fig. 1, Grantges disclosed providing an access to plurality of resources (App.1, App.2, App.3 and so forth) with in the secured enterprise network].

As per claim 19, wherein the method facilitates secure access to a plurality of network resources. [See Col.3, Lines 7-16, Col. 4, Lines 23-32 and Fig. 1, Grantges disclosed a secured access using SSL ("HTTPS") referenced by #'s 54, 58, 60 and 62].

Response to Arguments

5. Applicant's remark with respect to the claims and the cited prior art of record has been considered.

The inventive entity recites (**Applicant's Response Page 4, ¶2**):

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... Applicant has reviewed the patent of Lodwick and notes that Lodwick has a claim date of October 16, 2000, which is after Applicant's claim date of March 1, 2000 associated with Canadian Patent Application Number 2,299,824 (i.e. the priority document). Further, Applicant confirms the submission of a certified copy of the priority document on May 25, 2006, and acknowledgement of Applicants' claim for foreign priority under 35 USC 119 (a)-(d) for same by the USPTO on August 10, 2005.

Accordingly, examiner has withdrawn the basis of rejection over the U.S. Patent Number 6,978,299, because it (Lodwick) has invalid date (filed on Oct. 16, 2000), which was filled after the priority date of this instant application claiming a foreign priority of March 3, 2000.

Conclusion

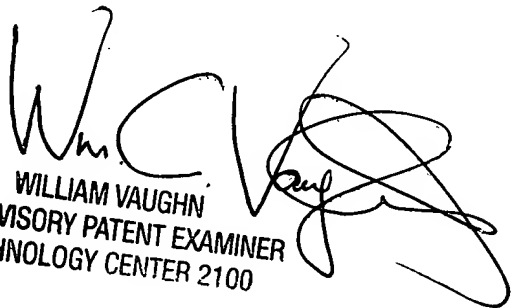
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YMG



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